



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5/50  
1029-B

Inventors : Palasis et al.  
Serial No. : 09/982,934  
Filed : October 22, 2001  
For : LATERAL NEEDLE INJECTION APPARATUS AND METHOD  
Group Art Unit : 3763  
Examiner : Thanh, Loan

RECEIVED

OCT 28 2003

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

**RESPONSE TO RESTRICTION REQUIREMENT WITH ELECTION OF SPECIES**

SIR:

In response to the restriction requirement dated October 3, 2003 for which a response is due on or before November 3, 2003, Applicants hereby provisionally elect, with traverse, the invention of Group I, claims 28-39, drawn to a catheter.

Applicants traverse this restriction requirement and respectfully request withdrawal thereof as the inventions of Group I and II are sufficiently related and examination of both inventions does not create a serious burden on the Examiner. Specifically, claims 40-45, which are designated as belonging to Group II, recite a method of delivering fluid to an injection site using the catheter recited in independent claim 28, which is designated as belonging to Group I. Because the claims belonging to Group II are sufficiently related to the claims of Group I and further because there are only five claims in Group II, Applicants respectfully request examination of all claims of both groups.

With respect to the election of species requirement, Applicants hereby elect for examination species 1, corresponding to the steps in FIG. 6A-C. Currently, claims 28,

29, 31-37, 40, 41, 43, and 44 are readable on this species. Applicants point out that in Group I, claim 28 is generic and claims 29-32 depend therefrom, and claim 33 is generic and claims 34-39 depend therefrom. In Group II, claim 40 is generic and claims 41-45 depend therefrom.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

The Patent Office is authorized to charge any fees that may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

By: 

Zeba Ali

Reg. No. 51,392

1500 K. Street N.W.  
Washington, DC 20005  
Tel.: (202) 220-4200  
Fax: (202) 220-4201  
472272v1